

HOUSE BILL 2663
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5; Title 40, Chapter 15; Title 40, Chapter 35 and Title 40, Chapter 39, Part 2, to create the offense of statutory rape by an authority figure and to provide the punishment for such offense.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following new section:

§ 39-13-530.

(a) Statutory rape by an authority figure is sexual penetration of a victim by the defendant or of the defendant by the victim when:

(1) The victim is at least thirteen (13) but less than eighteen (18) years of age;

(2) The defendant is at least four (4) years older than the victim;
and

(3) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used such position of trust or power to accomplish the sexual penetration; or

(4) The defendant had, at the time of the offense, parental or custodial authority over the victim and used such authority to accomplish the sexual penetration.

(b) Statutory rape by an authority figure is a Class B felony and the provisions of § 39-13-523 shall apply to any person convicted of such offense.

SECTION 2. Tennessee Code Annotated, Section 39-13-523, is amended by deleting the section in its entirety and substituting instead the following:

§ 39-13-523.

(a) As used in this section, unless the context otherwise requires:

(1) "Authority figure statutory rapist" means a person convicted one (1) or more times of statutory rape by an authority figure as defined in § 39-13-530;

(2) "Child rapist" means a person convicted one (1) or more times of rape of a child as defined by § 39-13-522; and

(3) "Multiple rapist" means a person convicted two (2) or more times of violating the provisions of § 39-13-502 or § 39-13-503, or a person convicted at least one (1) time of violating § 39-13-502, and at least one (1) time of § 39-13-503.

(b) Notwithstanding any other provision of law to the contrary, an authority figure statutory rapist, multiple rapist or a child rapist, as defined in subsection (a), shall be required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits such person may be eligible for or earn. An authority figure statutory rapist, multiple rapist or a child rapist shall be permitted to earn any credits for which such person is eligible and such credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(c) The provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole shall not apply to or authorize the release of an authority figure statutory rapist, multiple rapist or child rapist, as defined in subsection (a), prior to service of the entire sentence imposed by the court.

(d) Nothing in the provisions of title 41, chapter 1, part 5, shall give either the governor or the board of probation and parole the authority to release or cause the release of an authority figure statutory rapist, multiple rapist or child rapist, as defined in subsection (a), prior to service of the entire sentence imposed by the court.

(e) The provisions of this section requiring multiple rapists to serve the entire sentence imposed by the court shall only apply if at least one (1) of the required offenses occurs on or after July 1, 1992.

SECTION 3. Tennessee Code Annotated, Section 40-35-501, is amended by deleting subdivision (i)(2)(I) and by relettering accordingly.

SECTION 4. Tennessee Code Annotated, Section 40-35-501, is further amended by deleting subdivision (i)(3) in its entirety and substituting instead the following:

(3) Nothing in this subsection (i) shall be construed as affecting, amending or altering the provisions of § 39-13-523, which requires authority figure statutory rapists, child rapists and multiple rapists to serve the entire sentence imposed by the court undiminished by any sentence reduction credits.

SECTION 5. Tennessee Code Annotated, Section 40-15-105(a)(1)(B)(ii), is amended by adding the following new, appropriately lettered new subdivision:

() Statutory rape by an authority figure, as described in § 39-13-530;

SECTION 6. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(ii), is amended by adding the following new, appropriately lettered new subdivision:

() Statutory rape by an authority figure, as described in § 39-13-530;

SECTION 7. Tennessee Code Annotated, Section 40-35-303, is amended by deleting from the second sentence of subsection (a) the language “§ 39-15-402 or § 39-13-504” and substituting instead the language “§ 39-15-402, § 39-13-504 or § 39-13-530”.

SECTION 8. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivision to item (25):

() Statutory rape by an authority figure, under § 39-13-530;

SECTION 9. This act shall take effect July 1, 2006, the public welfare requiring it.